

**INSTRUCTIONS FOR  
COMBINED 2006 DISTRICT REPORT, 2008 PRO BONO  
GRANT APPLICATION AND 2008 PLAN**



**INDIANA BAR FOUNDATION**

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**INTRODUCTION**

The Indiana Bar Foundation (“IBF”) receives Indiana Interest on Lawyers’ Trust Account (“IOLTA”) funds and donations from attorneys, corporations, banks, and other sources to support civil legal services for low-income people in Indiana. The Indiana State Bar Association (“ISBA”) provides leadership for the program in concert with the Indiana Supreme Court (“Court”) and the Indiana Pro Bono Commission (“Commission”).

The Pro Bono Grant Application process seeks proposals from the fourteen Pro Bono Districts (“Districts”) throughout Indiana for the distribution of grants from funds available to the Indiana Bar Foundation through the IOLTA program. Grants are available to the Districts only and will be awarded for use in the following calendar year.

Each District is expected to adhere to the grant criteria outlined in this document and the Letter of Representation, and submit a written pro bono annual report, plan and request for funding no later than July 1st of the year preceding the grant application calendar budget year. The format is a multipurpose use form, the answers to which will be made public to members of the Bar, the Indiana Supreme Court and others. It is expected that a grant application will be submitted annually from each District. A limited amount of grant funds may be available depending on the amount of meritorious proposals received each year.

Initially, the district pro bono application documents are submitted to the Commission for review. After the Commission reviews each individual application, it then prepares a grant funding recommendation and presents it to the Board of Directors of the IBF for approval. Once the Board of Directors of the IBF approves the grant funding recommendation, the applicants are officially notified and the funds are distributed according to the guidelines established.

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## CRITERIA

The grant funding goals outlined by the Court and accepted by the IBF and the Commission to guide the overall distribution of IOLTA funds includes the following broad objectives that will be considered in awarding grants:

1. **Participation by the local bar associations and attorneys.** The associations and attorneys believe the program is necessary and beneficial.
2. **Centrality of client needs.** The mission of the program is to provide high quality free civil legal services to low-income persons through volunteer attorneys. Client needs drive the program, balanced by the nature and quantity of resources available.
3. **Program priorities.** The program engages in a priority-setting process, which determines what types of problems the program will address. Resources are allocated to matters of greatest impact on the client and are susceptible to civil legal resolution. The program calls on civil legal providers and other programs serving low-income people to assist in this process.
4. **Direct representation component.** The core of the program is direct representation in which volunteer attorneys engage in advocacy on behalf of low-income persons. Adjunct programs such as advice clinics, pro se clinics and paralegal assistance are dictated by client needs and support the core program.
5. **Coordination with state and local civil legal providers and bar associations.** The programs work cooperatively with the local civil legal providers. The partnerships between the civil legal providers and the local bar association result in a variety of benefits including sharing of expertise, coordination of services, and creative solutions to problems faced by the client community.
6. **Accountability.** The program has mechanisms for evaluating the quality of service it provides. It expects and obtains reporting from participating attorneys concerning the progress/outcome of referred cases. It has the capability to demonstrate compliance with requirements imposed by its funding source(s), and it has a grievance procedure for the internal resolution of disputes between attorneys and clients.
7. **Continuity.** The program has a form of governance, which ensures the program will survive changes in bar leadership, and has operational guidelines, which enable the program to survive a change in staff. Programs should have written job descriptions, policies and procedures to ensure continuity. Every pro bono program which receives IOLTA funding from the Indiana Pro Bono Commission and Indiana Bar Foundation must be incorporated and have obtained or applied for federal tax-exempt status by July 1, 2007.
8. **Cost-effectiveness.** The program maximizes the level of high quality civil legal services it provides in relationship to the total amount of funding received.
9. **Minimization of barriers.** The program addresses in a deliberate manner linguistic, sensory, physical and cultural barriers to clients' ability to receive services from the program. The program does not create undue administrative barriers to client access.
10. **Understanding of ethical considerations.** The program operates in a way which is consistent with the Rules of Professional Conduct; client confidentiality is assured and conflicts of interest are avoided. The staff and volunteers are respectful of clients and sensitive to their needs.

11. **ABA Standards.** The program is designed to be as consistent with the ABA Standards for Programs Providing Civil Pro Bono Legal Services to Persons of Limited Means as possible.

**In addition, the IBF and the Commission favor grant applications that include the following:**

1. Demonstrate innovation in service.
  2. Demonstrate district-wide, regional or statewide collaboration, coordination of services with other providers, and avoidance of duplication of services.
  3. Assist in providing relatively equal levels of meaningful access to justice and high quality assistance to clients throughout Indiana.
  4. Have potential for applicability or replication of the program in other parts of the state.
  5. Demonstrate a history of quality service and fiscal responsibility.
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### **APPROVAL PROCESS**

The IBF and the Commission will make funding determinations on the basis of the pro bono application documents, and scheduled meetings between assigned Commission members, pro bono plan administrators, and Judicial Appointees. The IBF and/or Commission may, at their discretion, request supplements to the applications, conduct on-site visits, and/or require an applicant District representative to appear at an IBF and/or Commission meeting.

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### **GRANT AWARDS AND PAYMENTS**

Following the fall meetings of both the IBF and the Commission, each District will be notified in writing of the award decision, any special terms or conditions, and how payment will be made. To receive payment, each District must execute a grant agreement between the IBF and the District. Grant funds must be spent only for the items described in the approved grant application budget or as directed in the grant award letter. Material variances, if any, should be submitted in advance to the IBF and Commission for discussion and/or approval, generally in the form of a revised budget. These Instructions and the grant application can be found on-line at the following website: [www.in.gov/judiciary/probono](http://www.in.gov/judiciary/probono). The IBF will make payments in January of the year following the grant award decision.

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## APPLICATION INSTRUCTIONS

The heading and footer for each page should be identical to the original form, so that each page will have similar information from each district. Do not use smaller than a 10-point font. Attaching extra pages is permitted only for the 2006 Report of Volunteer Attorney Cases on page 3 and the 2006 Report of Volunteer Attorney Limited Information Activity on page 4, plus the supplemental, explanatory page mentioned on page 8. The report and plan form is 9 pages if you are using the Word budget form and 8 pages if you are using the Excel budget form, and therefore your district report and plan should not exceed 9 or 10 pages plus the attachments to pages 3 and 4. Please staple each report and plan in the upper left corner. Please do not use binders or folders, which increase the copy and storage costs.

### **Letter of Representation:**

The Letter of Representation may contain items that do not pertain to your district. If so, draw a line through the item, provide the reason for marking it, and share plans to remedy the situation. If there is more than one stricken item, please number the item and the corresponding explanation. The Letter of Representation is now separate from the district report and plan form. Only one original (not 25 copies) need be submitted.

### **2007 Interim Report**

The 2007 Interim Report form must be submitted with the district application. Twenty-five copies should be submitted.

### **Page 1:**

The Applicant is the person who has written or coordinated the writing of the report, application and plan. The figure for amount of grant (2007 and prior years) projected to be unused as of 12/31/07 should be the same as the amount on Line (C)10 (budget chart).

### **Page 3:**

Each pro bono provider should have a separate chart. Please attach additional pages for each pro bono provider that receives IOLTA funding, whether directly or indirectly, in your district. See the sample additional pro bono provider page 3A. Please list each attorney only once in the volunteer attorney column but complete one line for each pro bono case for that attorney. If a pro bono provider in your district cannot or will not provide the information needed for this list, please list the provider and note the refusal. At the bottom of each chart, please provide the total number of volunteer attorneys, total number of hours and total number of cases, and then overall totals on page 3. **The overall totals must be provided or they will not be counted.** 2006 volunteer attorney and case list should not contain any hours or volunteer count for attorneys who are paid for services, e.g. staff attorneys working for agencies serving poverty-level clients. Volunteer attorney is defined on page 3 of the report and plan form. This definition now includes volunteer attorneys for modest means programs, as long as they are separately identified as such. In the Volunteer Attorneys column, include volunteer attorneys who were actively involved during 2006. The volunteer attorney name is not required to be listed, but it is preferred. If an attorney specifically requests anonymity, the attorney can be listed as "Volunteer 1" etc., as long as there is an internal system to identify the attorney. For the county listing, please indicate the county where the attorney is registered. The number of hours reported on cases closed in 2006 will be used as a benchmark for future years. If hours were not reported by the attorney, it is permissible to estimate the time using the industry standards for the type of case. The number of hours is the number of hours at the conclusion of the case. If there are multiple types of cases for one client, either before or after the

appointment is scheduled, list all of the types of cases involved. The information provided in this chart should be for the calendar year 2006 and not for the fiscal year.

**Page 4:**

The limited legal information chart can include activities such as pro se clinics and call-in or walk-in informational services. Please attach additional pages for each pro bono provider that receives IOLTA funding, whether directly or indirectly, in your district. See the sample additional pro bono provider page 4A. Please list each attorney only once in the volunteer attorney column but complete one line for each type of legal information activity for that attorney. At the bottom of each chart, please provide the total number of volunteer attorneys and total number of hours. **The overall totals must be provided or they will not be counted.**

**Page 8:**

Please note that an executed grant agreement and a revised 2008 budget are required to be submitted to the Indiana Bar Foundation by December 1, 2007. IOLTA funds will not be released until the grant agreement is executed and submitted. Please indicate the entity which should receive the IOLTA funds. This must be a corporation formed by the pro bono district. Every pro bono program which receives IOLTA funding from the Indiana Pro Bono Commission and the Indiana Bar Foundation must be incorporated and have obtained or applied for federal tax-exempt status by July 1, 2007.

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## **SUBMISSION PROCEDURES**

Additional information concerning these instructions or the submission of a plan may be obtained from Monica Fennell, Indiana Pro Bono Commission, One Indiana Square, Suite 530, Indianapolis, Indiana 46204, or by calling 317-639-5465 or 800-266-2581, or by e-mail at [probono@inbar.org](mailto:probono@inbar.org).

25 copies of the completed pro bono application documents, including any required interim reports, shall be submitted to:

Monica Fennell, Indiana Pro Bono Commission, One Indiana Square, Suite 530, Indianapolis, Indiana 46204. Copies of all application documents must ALSO be transmitted to Monica Fennell by e-mail attachment at [probono@inbar.org](mailto:probono@inbar.org) or in disk form (Word or Excel) at the above address. The Letter of Representation does not need to be submitted in electronic form. Please submit the original, executed Letter of Representation and not 25 copies.

Application documents should be submitted no later than 4:00 p.m. on July 2, 2007. Please note that grant agreements and revised budgets are due December 1. Grant checks will not be distributed without executed grant agreements.